

Federal Court of the Western District of New York  
Buffalo Division

David C. Lettieri  
Plaintiff



- against -

23-CV-309

Federal Bureau of Investigation  
Defendant

screening

The plaintiff moves for a screening of the complaint for 23-CV-309. In exhibit A shows that the appeal from the Second Circuit has been resolved on November 22, 2023. The plaintiff would remind the court that 2423(B) was stated by the grand jury that there is no probable cause to such charge Randall E. Barber had claim.

Thank you,

—

David C. Lettieri

Sworn To Before Me This 15<sup>th</sup> Day

of December 2023

*[Signature]*

DEREK KRATTS  
NOTARY PUBLIC, STATE OF NEW YORK  
Registration No. 01KR0016367  
Qualified in Niagara County  
Commission Expires November 13, 2027

W.D.N.Y.  
23-cv-309  
Vilardo, J.

United States Court of Appeals  
FOR THE  
SECOND CIRCUIT

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At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 22<sup>nd</sup> day of November, two thousand twenty-three.

Present:

Amalya L. Kearse,  
Guido Calabresi,  
Alison J. Nathan,  
*Circuit Judges.*

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David C. Lettieri,

*Plaintiff-Appellant,*

v.

23-6430 (L),  
23-6844 (Con)

Federal Bureau of Investigation,

*Defendant-Appellee.*

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Appellant, pro se, moves for in forma pauperis status. However, this Court has determined sua sponte that it lacks jurisdiction over these appeals from judgments entered on April 12 and July 12, 2023, because the district court directed that the case would be reopened “without further order” upon Appellant’s submission of a signed prisoner authorization form, and Appellant has since submitted that form. *See Fort Knox Music Inc. v. Baptiste*, 257 F.3d 108, 110 (2d Cir. 2001) (reasoning that a “vacated judgment has no effect” and that an appeal from a vacated judgment is moot). Upon due consideration, it is hereby ORDERED that the appeals are DISMISSED for lack of jurisdiction and the motions are DENIED as moot. *See Video Tutorial Servs., Inc. v. MCI Telecomms. Corp.*, 79 F.3d 3, 6 (2d Cir. 1996) (per curiam).

FOR THE COURT:  
Catherine O’Hagan Wolfe, Clerk of Court

Catherine O'Hagan Wolfe

